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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		TTORNEY DOCKET NO.
08/472,876 06/07/95 GARCIA			Α	TRD-001-IA
			EXAMINER	
		LM61/0915		
HAROLD C. KNECHT, III			MEI,X	
P. O. BO>	(28338		ART UNIT	PAPER NUMBER
	MN 55128-2023			
· · · · · · · · · · · · · · · · · · ·	1114 Committee and an area		2743	
			DATE MAILED:	
			DATE MAILED:	09/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks





Office Action Summary

Application No. 08/472,876

Applicant(s)

Garcia et al.

Examiner

Xu Mei

Group Art Unit 2743



X Responsive to communication(s) filed on Jul 2, 1998	
☐ This action is FINAL .	
☐ Since this application is in condition for allowance except for form in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.C.	
A shortened statutory period for response to this action is set to expis longer, from the mailing date of this communication. Failure to reapplication to become abandoned. (35 U.S.C. § 133). Extensions of 37 CFR 1.136(a).	spond within the period for response will cause the
Disposition of Claims	
X Claim(s) 2, 5, 9, 14, 15, 17, 18, 24, 28, 29, 31, 33-35, 37-4	40, 43, and 44 is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
X Claim(s) 14, 15, 28, 35, 37, 38, and 44	is/are allowed.
X Claim(s) 17, 18, 29, 31, 33, 34, 39, 40, and 43	is/are rejected.
X Claim(s) 2, 5, 9, and 24	is/are objected to.
☐ Claims	are subject to restriction or election requirement.
Application Papers	
☐ See the attached Notice of Draftsperson's Patent Drawing Rev	view, PTO-948.
☐ The drawing(s) filed on is/are objected to	o by the Examiner.
☐ The proposed drawing correction, filed on	_ is □approved □disapproved.
$\hfill\Box$ The specification is objected to by the Examiner.	
$\hfill\Box$ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119	
Acknowledgement is made of a claim for foreign priority under	er 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the	priority documents have been
received.	
received in Application No. (Series Code/Serial Number	
received in this national stage application from the Inter	
*Certified copies not received:	
☐ Acknowledgement is made of a claim for domestic priority un	ider 35 U.S.C. § 119(e).
Attachment(s)	
☐ Notice of References Cited, PTO-892	,
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).	
Interview Summary, PTO-413Notice of Draftsperson's Patent Drawing Review, PTO-948	
☐ Notice of Informal Patent Application, PTO-152	
SEE OFFICE ACTION ON THE F	FOLLOWING PAGES



Serial Number: 08/472,876

Art Unit: 2743

- This communication is responsive to the applicant's amendment dated
 07/02/1998.
- 2. The indicated allowability of claims 2, 5, 9, 14-15, 17-18, 24, 28-29, 31, 33-35 and 37-42 is withdrawn in view of new ground(s) of rejection. Rejections based on the new ground(s) follow.
- 3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 4. Claims 17-18, 29 and 39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Proper functional language(s) regarding the claimed subject matter(s) is/are lacked in claims 17-18, 29 and 39.
- 5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.



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- 6. Claims 31, 33-34, 43, and 40 are rejected under 35 U.S.C. 112, first paragraph, while being as **single means claim**. A claim which recites, <u>solely</u>, a single 'means' as its function(s) is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Haytt, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983).
- 7. Claims 24, 2, 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 8. Claims 35, 37, 14, 15, 28, 38 and 44 are allowed.
- 9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

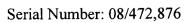
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

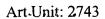
Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is (703) 308-6610.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

09/06/1998

SUPERVISORY PATENT EXAMINER
GROUP 2700